

January 19, 2006

DECISION AND ORDER
OF THE DEPARTMENT OF ENERGY

Supplemental Order

Name of Petitioner: Crude Oil Supplemental Refund Distribution

Date of Filing: January 10, 2006

Case Number: RB272-10004

This decision grants supplemental crude oil refunds. The names of the recipients and the amount of the refunds are listed in the Appendix to this decision.

This supplemental refund decision concerns the crude oil overcharge refund proceeding. Pursuant to the long-standing policy of the Department of Energy (DOE), thousands of purchasers of petroleum products have applied for, and been granted, refunds from crude oil overcharge funds under the jurisdiction of the DOE's Office of Hearings and Appeals (OHA). See Modified Statement of Restitutionary Policy In Crude Oil Cases, 51 Fed. Reg. 27899 (August 4, 1986). The standards for considering Applications for Refund from these crude oil funds are set forth at 10 C.F.R. Part 205, Subpart V. The deadline for applications in the crude oil proceeding was June 30, 1995.

The OHA has approved more than 87,000 crude oil overcharge applications. A claimant is generally eligible for a refund equal to the number of gallons of eligible refined petroleum products it purchased during the period August 19, 1973 through January 27, 1981, multiplied by a per gallon refund amount. That per gallon refund amount, also referred to as the volumetric, is derived by dividing the total refund monies available by the total U.S. consumption of petroleum products during the crude oil price control period. Originally, the DOE calculated refunds at a \$0.0002 per gallon volumetric. In 1989, the DOE increased the volumetric to \$0.0008 per gallon, and applicants paid at the lower \$0.0002 per gallon rate were eligible for a \$0.0006 per gallon supplemental payment. See Crude Oil Supplemental Refund Distribution, 18 DOE ¶ 85,878 (1989). In 1995, the DOE increased the volumetric to \$0.0016 per gallon, and applicants paid at the lower \$0.0008 per gallon rate were eligible for a \$0.0008 per gallon supplemental payment.

On January 13, 2006, the DOE announced that applicants paid at the lower \$0.0016 per gallon rate are now eligible for an additional \$0.000695389 per gallon supplemental refund. 71 Fed. Reg. 2195 (January 13, 2006). Refunds are rounded to the nearest dollar.

In order to receive a supplemental refund check, applicants are required to verify that their name and address in our records are correct, to correct any information that is not accurate, and to verify whether the refund cannot be paid to the original applicant for any reason, e.g., due to death, divorce, bankruptcy or dissolution of a business.

This decision approves supplemental refunds for the applicants listed in the Appendix to this decision. For each applicant, the Appendix contains the name, case number, and the amount of the supplemental refund. The decision approves supplemental refunds for 61 applicants, totaling \$97,793.00.

It Is Therefore Ordered That:

(1) The Director of Special Accounts and Payroll, Office of Departmental Accounting and Financial Systems Development, Office of the Controller of the Department of Energy shall take appropriate action to disburse supplemental refunds to Daniel Bernard Smith Company, on behalf of the Applicants listed in the Appendix to this Order, in the amount of \$97,793.00, via ACH payment, as set forth in a memorandum accompanying this Decision and Order.

(2) The funds shall be disbursed from the escrow fund denominated Crude Tracking-Claimants 4, Account No. 999DOE010Z, maintained at the Department of the Treasury.

(3) Applicants shall notify the Office of Hearings and Appeals in the event that there is a change of address, or if an address correction is necessary. Such notification shall be sent to:

Director of Management Information
Office of Hearings and Appeals
Department of Energy
1000 Independence Avenue, S.W.
Washington, D.C. 20585-0107

(4) Any conditions imposed that applied to an applicant's receipt of the initial crude oil refund shall also apply to that applicant's receipt of this supplemental refund.

(5) The determinations made in this Decision and Order are based upon the presumed validity of the statements and documentary material submitted by the applicants. This

Decision and Order may be revoked or modified at any time upon a determination that the basis underlying a refund application is incorrect.

(6) This is a final Order of the Department of Energy.

George B. Breznay
Director
Office of Hearings and Appeals

Date: January 19, 2006

Appendix - Supplemental Refund Case No. RB272-10004

Case No.	Firm	Volume	Refund
RF272-05127	GREENWICH GARDEN ASSOCIATES	225,161	\$157.00
RF272-07298	92 BROOKLYN AVENUE CO.	328,268	\$228.00
RF272-07299	VIGLA CO.	1,325,315	\$922.00
RF272-07300	FREEPORT EQUITIES CORP.	356,152	\$248.00
RF272-10201	MITCHELL GARDENS #1 CO-OP	1,486,766	\$1,034.00
RF272-11136	Heritage Property Investment T	1,135,750	\$790.00
RF272-14522	ST. JOHN'S UNIVERSITY	7,113,718	\$4,947.00
RF272-15004	ALBERT BRONSTEIN ENTITIES	1,146,211	\$797.00
RF272-18156	MARTINIQUE HOTEL	1,675,837	\$1,165.00
RF272-22966	KING KULLEN GROCERY CO.	1,845,477	\$1,283.00
RF272-23476	CENTRAL MANAGEMENT CORP.	2,277,964	\$1,584.00
RF272-23918	Metropolitan & Realty Group	2,342,690	\$1,629.00
RF272-41308	Dougert Management Corp.	1,443,115	\$1,004.00
RF272-41342	NALEA REALTY CORP.	999,916	\$695.00
RF272-41558	ADI MANAGEMENT, INC.	3,415,617	\$2,375.00
RF272-41895	KOEPEL & KOEPEL	3,689,787	\$2,566.00
RF272-41907	NEIDITCH REAL ESTATE	4,177,512	\$2,905.00
RF272-41934	JACOB HABERMAN	2,742,630	\$1,907.00
RF272-41973	HALBOR REALTY CO.	2,187,448	\$1,521.00
RF272-42025	MERIT OPERATING CORP.	1,120,133	\$779.00
RF272-42216	EINSIDLER ORGANIZATION	3,322,286	\$2,310.00
RF272-42218	The Height Management Co.	978,052	\$680.00
RF272-42404	L & D MANAGEMENT CO.	4,847,026	\$3,371.00
RF272-42444	MURRAY H. MILLER MGMT. CORP.	3,811,427	\$2,650.00
RF272-42812	REDCO MANAGEMENT CO.	376,502	\$262.00
RF272-43499	JANOFF & OLSHAN, INC.	3,186,038	\$2,216.00
RF272-43913	Daly II Assoc c/o CDC MgmtCorp	465,736	\$324.00
RF272-45091	Murray Siegel	196,658	\$137.00
RF272-45125	BRIGHAM PARK CO-OP SECTION 1	722,488	\$502.00
RF272-45952	DITMAS MANAGEMENT CORP.	5,091,425	\$3,541.00
RF272-51267	JANOFF & OLSHAN, INC.	1,739,213	\$1,209.00
RF272-52980	Grubb & Ellis Mgmt. Services	3,473,754	\$2,416.00
RF272-52997	Gilman Management Corp.	3,485,526	\$2,424.00
RF272-53185	Gilman Management Corp.	2,109,464	\$1,467.00
RF272-53748	COMPUTER PROPERTY MGMT. SERV.	3,797,359	\$2,641.00
RF272-53750	BENENSON FUNDING CORP.	4,536,664	\$3,155.00
RF272-53970	430-450 SHORE CORP.	1,007,060	\$700.00
RF272-54645	FRE Management	1,922,281	\$1,337.00
RF272-62557	PRATT INSTITUTE	6,065,700	\$4,218.00
RF272-62560	J.C. PENNEY CO., INC.	1,657,439	\$1,153.00
RF272-63175	BEACHHAVEN APARTMENTS	4,500,689	\$3,130.00
RF272-63298	NEW AMSTERDAM REALTY CO.	433,826	\$302.00
RF272-65527	IRVING R. RABER CO.	2,097,411	\$1,459.00
RF272-65529	MILBROOK PROPERTIES, LTD.	3,189,190	\$2,218.00
RF272-65530	PAGE MANAGEMENT	2,000,755	\$1,391.00
RF272-67278	D.S.J. Management Corp.	6,397,540	\$4,449.00
RF272-74019	OSMAN REALTY CO.	153,496	\$107.00
RK272-03976	LINDEN HILL #1 CO-OP CORP.	1,259,180	\$876.00
RK272-03977	LINDEN HILL #2 CO-OP CORP.	2,166,728	\$1,507.00

RK272-03980	BAUMRIND & BAUMRIND REALTY CRP	819,198	\$570.00
RK272-03988	BENJAMIN SPENO JOINT VENTURE	599,234	\$417.00
RK272-04001	BROWN, HARRIS, STEVENS	3,579,115	\$2,489.00
RK272-04049	N. Shore LIJ Forest Hills Hosp	2,529,842	\$1,759.00
RK272-04050	HSBC	1,788,553	\$1,244.00
RK272-04108	REGO PARK GARDENS	3,383,563	\$2,353.00
RK272-04109	ATLAS REALTY	4,092,510	\$2,846.00
RK272-04314	Douglas Elliman Property Mgmt	3,041,314	\$2,115.00
RK272-04316	AKAM ASSOCIATES	1,280,536	\$890.00
RK272-04317	J & C Lamb Mgmt. Corp.	455,119	\$316.00
RK272-04575	I. NEUMAN & SONS, INC.	2,598,728	\$1,807.00
RK272-04576	ROBERT E. HILL, INC.	429,695	\$299.00
Totals	61 Applicants	140,623,787	\$97,793.00